

1 Amend 2 Cal. Code Regs. Section 18215 to read:

2 **§ 18215. Contribution.**

3 (a) A contribution is any payment made for political purposes for which full and  
4 adequate consideration is not made to the donor. A payment is made for political  
5 purposes if it is:

6 (1) For the purpose of influencing or attempting to influence the action of the  
7 voters for or against the nomination or election of a candidate or candidates, or the  
8 qualification or passage of any measure; or

9 (2) Received by or made at the behest of the following or any agent thereof:

10 (A) A candidate;

11 (B) A controlled committee;

12 (C) An official committee of a political party, including a state central committee,  
13 county central committee, assembly district committee or any subcommittee of such  
14 committee; or

15 (D) An organization formed or existing primarily for political purposes, including,  
16 but not limited to, a political action committee established by any membership  
17 organization, labor union or corporation.

18 (b) The term "contribution" includes:

19 (1) Any payment made to a person or organization other than a candidate or  
20 committee, when, at the time of making the payment, the donor knows or has reason to  
21 know that the payment, or funds with which the payment will be commingled, will be  
22 used to make contributions or expenditures. If the donor knows or has reason to know  
23 that only part of the payment will be used to make contributions or expenditures, the

1 payment shall be apportioned on a reasonable basis in order to determine the amount of  
2 the contribution.

3 There shall be a presumption that the donor does not have reason to know that all  
4 or part of the payment will be used to make expenditures or contributions, unless the  
5 person or organization has made expenditures or contributions of at least one thousand  
6 dollars (\$1,000) in the aggregate during the calendar year in which the payment occurs,  
7 or any of the immediately preceding four calendar years.

8 (2) A candidate's own money or property used on behalf of his or her candidacy.

9 (3) Any goods or services received by or behested by a candidate or committee at  
10 no charge or at a discount from the fair market value, unless the discount is given in the  
11 regular course of business to members of the public.

12 (c) Notwithstanding any other provision of this section, the term "contribution"  
13 does not include:

14 (1) An expenditure made at the behest of a candidate in connection with a  
15 communication directed to voters or potential voters as part of voter registration activities  
16 or activities encouraging or assisting persons to vote, if the expenditure does not  
17 constitute express advocacy.

18 (2) Volunteer personal services or payments made by a person for his own travel  
19 expenses, if such payments are made voluntarily without any understanding or agreement  
20 that he or she will be repaid.

21 (3) A payment made by an occupant of a home or office for costs related to any  
22 meeting or fundraising event held in the occupant's home or office, if the total cost of the

1 meeting or fundraising event is \$500 or less, exclusive of the fair rental value of the  
2 premises.

3 (4) A payment made at the behest of a candidate, which is for a communication  
4 by the candidate or any other person, that meets all of the following:

5 (i) Does not contain express advocacy;

6 (ii) Does not make reference to the candidate's candidacy for elective office, the  
7 candidate's election campaign, or the candidate's or his or her opponent's qualifications  
8 for office; and

9 (iii) Does not solicit contributions to the candidate or to third persons for use in  
10 support of the candidate or in opposition to the candidate's opponent.

11 (5) A payment made by a candidate or committee for another candidate to attend  
12 the paying candidate's or committee's fundraiser.

13 (6) A payment made by a candidate for a communication publicizing his or her  
14 endorsement by another candidate, provided that the communication does not expressly  
15 advocate the nomination or election of the endorsing candidate or the defeat of an  
16 opponent of the endorsing candidate.

17 (7) A payment made by a ballot measure committee for a communication in  
18 which the ballot measure supported or opposed by the committee is endorsed or opposed  
19 by a candidate, and the communication does not expressly advocate the nomination or  
20 election of the endorsing candidate or the defeat of an opponent of the endorsing  
21 candidate.

22 ~~(8) A payment by:~~

1           ~~(i) A regularly published newspaper, magazine or other periodical of general~~  
2           ~~circulation which routinely carries news, articles, and commentary of general interest for~~  
3           ~~the cost of publishing a news story, commentary or editorial; or~~

4           ~~(ii) A federally regulated broadcast outlet for the cost of broadcasting a news~~  
5           ~~story, commentary, or editorial.~~

6           (8) A payment made by any broadcasting station (including a cable television  
7           operator, programmer or producer), website, or a regularly published newspaper,  
8           magazine or other periodical of general circulation (including any Internet or electronic  
9           publication) that routinely carries news and commentary of general interest, for the cost  
10          of covering or carrying a news story, commentary or editorial. However, if the facility  
11          carrying the news story, commentary or editorial is owned or controlled by a candidate,  
12          political party, or committee, this exemption does not apply unless the news story: (A)  
13          represents a *bona fide* news account communicated in a publication of general circulation  
14          or on a licensed broadcasting facility; and (B) is part of a general pattern of campaign-  
15          related news accounts that give reasonably equal coverage to all opposing candidates or  
16          sides on a measure in the circulation or listening area.

17          (9) A payment by an organization for its regularly published newsletter or  
18          periodical, if the circulation is limited to the organization's members, employees,  
19          shareholders, other affiliated individuals and those who request or purchase the  
20          publication. This exception applies only to the costs regularly incurred in publication and  
21          distribution. Any additional costs incurred are contributions, including, but not limited to,  
22          expanded circulation; substantial alterations in size, style, or format; or a change in  
23          publication schedule, such as a special edition.

1 (10) A payment for a debate or other forum sponsored by a nonpartisan  
2 organization in which at least two candidates appearing on the ballot for the same elective  
3 office were invited to participate.

4 (11) A payment for a debate or other forum in which the proponent of a ballot  
5 measure and at least one opponent, or their respective representatives, were invited to  
6 participate in equal numbers.

7 (12) A payment for a debate or other forum sponsored by a political party or  
8 affiliated committee in which a majority of the candidates for that party's nomination  
9 were invited to participate.

10 (13) A payment made by a bona fide service, social, business, trade, union or  
11 professional organization or group for reasonable overhead expenses associated with the  
12 organization's regularly scheduled meeting at which a candidate or an individual  
13 representing either side of a ballot measure speaks, if the organization pays no additional  
14 costs in connection with the speaker's attendance.

15 (14) A payment received by, directed by, or made at the behest of a candidate for  
16 personal purposes. [NOTE: Such payments may constitute gifts, income, or honoraria,  
17 and as such may be limited or prohibited, under other provisions of the Act. See also Title  
18 ~~2, California Code of Regulations, Section~~ Regulation 18941.1 regarding payments for  
19 food.]

20 (15) A payment made by a candidate for a communication in support of or  
21 opposition to a ballot measure, if the communication features the endorsing candidate or  
22 clearly identifies him or her as the sponsor of the communication. [NOTE: this exception

1 does not include a monetary contribution from a candidate or his or her controlled  
2 committee to a ballot measure committee.]

3 (16) A payment by a sponsoring organization for the establishment and  
4 administration of a sponsored committee, provided such payments are reported. Any  
5 monetary payment made under this subdivision to the sponsored committee shall be made  
6 by separate instrument. A "sponsoring organization" may be any person (see ~~Gov't Code~~  
7 Section 82047) except a candidate or other individual (see ~~Gov't Code~~ Section 82048.7).  
8 "Establishment and administration" means the cost of office space, phones, salaries,  
9 utilities, supplies, legal and accounting fees, and other expenses incurred in setting up and  
10 running a sponsored committee.

11 (17) A payment by a nonpartisan organization not affiliated with any candidate,  
12 political party or committee to create and operate a website that posts political  
13 information designed to encourage individuals to vote or to register to vote and presents  
14 any candidate or measure-related content in a nonpartisan manner, giving reasonably  
15 equal treatment to opposing candidates or supporters or opponents of a measure.

16 (18) Uncompensated Internet activity by an individual supporting or opposing a  
17 candidate or measure as stated in Regulation 18215.2.

18 (d) A contribution made at the behest of a candidate for a different candidate or  
19 to a committee not controlled by the behesting candidate is not a contribution to the  
20 behesting candidate.

21 NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 82015  
22 and 85312, Government Code.